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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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27045 ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024	7590 03/18/2009			
			EXAMINER SHAMOULIAN, MITRA E	
			ART UNIT 4192	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/598,493

Applicant(s)

WIEMANN ET AL.

Examiner

MITRA SHAMOULIAN

Art Unit

4192

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-23 and 25-52 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-23 and 25-52 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/06)
Paper No(s)/Mail Date 8/31/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-3, 6-10, 13, 16-22, 27-30, 33-37, 39, 42-48 and 52 are rejected under 35 U.S.C. 102(e) as being unpatentable by Emura (US 6,848,117).

Claim 1, Emura discloses a method of a sending peer of a data unit transmission protocol (see Fig. 10, 14, and 21), the sending peer (video server apparatus) being capable of dividing a data symbol stream (AV stream) into data units (packets) of at least a 1st format and a 2nd format (1st and 2nd format read on different size of the packet) and sending the data symbol stream in the form of the data units of the 1st format or the 2nd format (reads on different speeds of the streams, i.e., normal playback stream; fast forward streams...) to a receiving peer (Col. 10, lines 35-Col. 11, lines 63), comprising :

maintaining a first record of said data symbol stream in terms of one or more first sequences of data units of said first format (reads on one of the AV streams of el. 1a, 101a of Fig. 10, 14, and 21 corresponds to respective receiving command, i.e., normal playback command, from the terminal apparatus, in this instant the AV

streams would be the 1st format normal playback stream; see Col. 12, lines 14-27; Col. 16, lines 7-27; Col. 22, lines 29-67),

simultaneously maintaining a second of said data symbol stream in terms of one or more second sequences of data units of said second format (reads on one of the AV streams of el. 1a, 101a of Fig. 10, 14, and 21 corresponds to respective receiving command, i.e., fast forward command, from the terminal apparatus, in this instant the AV streams would be the 2nd format of fast forward stream; see Col. 12, lines 14-27; Col. 16, lines 7-27; Col. 22, lines 29-67), where said first record and said second record have a common reference point (playback start position of a Video program) to said data symbol stream;

dynamically switching between a first transmission mode for sending data units of said first format and a second transmission mode for sending data units of said second format (reads on the video server apparatus receives a command from the terminal to switch between playback speed mode; Col. 16, lines 28-46 and Col. 23, lines 34-52) where each sent data unit of said first format comprises a sequence position indicator that indicates a position in one of said first sequences and each sent data unit of said second format comprises sequence position indicator that indicates a position in one of said second sequences ("sequence indicator" reads on data information transmitting from the control information transmitting section 203 of Fig. 14), where after switching from said first transmission mode to said second transmission mode (reads on switching from one playback speed to different playback speed; Col. 15, lines 23-43, the transmission continues with a given data

unit of one of said second sequences comprising a position indicator such that said given data unit comprises a data symbol immediately following the a last data symbol of said data symbol stream that was sent in the data unit of said first format last sent before said switching (Col. 17, lines 19-45 and Col. 22, lines 36-67), and

after switching from said second transmission mode to said first transmission mode the transmission continues with a given data unit of one of said first sequences comprising a position indicator such that said given data unit comprises a data symbol immediately following the last data symbol of said data symbol stream that was sent in the data unit of said second format last sent before said switching (reads on smooth switching between two different streams of different playback speed; Col. 11, lines 65-Col. 12, lines 6; Col. 13, lines 65-Col. 14, lines 6).

Claim 2, Emura further discloses wherein said common reference point (starting point of a video program) is implicitly defined with respect to said sequence position indicators (Fig. 15 and 16 A-D; Col. 34-63).

Claim 3, Emura further discloses wherein said sending peer sends a reference point synchronization message to said receiving peer for setting said reference point (Fig. 14; Col. 16, lines 24-27).

Claim 6, Emura further discloses wherein upon switching from one of said first and second transmission modes to the other of said first and second transmission

modes, a message indicating an associated switching in data unit format is sent by said sending peer (Col. 16, lines 24-27).

Claim 7, Emura further discloses wherein each data unit sent by said sending peer comprises a format type indicator (Col. 16, lines 24-27 and Col. 17, lines 45-60).

Claim 8, Emura further discloses wherein said second record comprises a first and a second of said second sequences of said data units of said second format, said second of said second sequences being offset from said first of said second sequences by a predetermined offset amount with respect to said reference point (Fig. 16 A-D; Col. 16, lines 56-Col. 17, lines 30 and Col. 18, lines 14-65).

Claim 9, Emura further discloses wherein after switching from said first transmission mode to said second transmission mode, said sending peer determines the given data unit of said first of said second sequences that comprises the data symbol immediately following the last data symbol of said data symbol stream that was sent in the last sent data unit of said first format, and determines the given data unit of said second of said second sequences that comprises the data symbol immediately following the last data symbol of said data symbol stream that was sent in the last sent data unit of said first format, determines which of said given data units comprises less data symbols already sent with the last data unit of said first

format, and continues the transmission with that one sequence of said second sequences to which the given data unit with less of said data symbols belongs (Col. 16, lines 24-27; Col. 17, lines 30-60).

Claim 10, Emura further discloses wherein each data unit sent by said sending peer comprises an offset indicator (Col. 13, lines 65-Col. 14, lines 7; Col. 16, lines 24-45).

Claim 13, Emura discloses a method of controlling a receiving peer (terminal apparatus) of a data unit transmission protocol, where said receiving peer receives a data symbol stream in the form of data units of a first format or a second format from a sending peer (reads on different speeds of the streams, i.e., normal playback stream; fast forward streams...) to a receiving peer (Col. 10, lines 35-Col. 11, lines 63), the method comprising:

identifying a sequence position indicator in each received data unit, said sequence position indicator indicating a position of said received data unit in a respective sequence to which said received data unit belongs, where said data units of said first format belong to one of one or more first sequences of data units of said first format, and said data units of said second format belong to one of one or more second sequences of data units of said second format (Col. 16, lines 28-46; Col. 17, lines 45-58; Col. 23, lines 34-52; Col. 24, lines 36-57);

detecting a switching of said sending peer between a first transmission mode for sending data units of said first format and a second transmission mode for sending data units of said second format and, reconstructing said data symbol stream on the basis of said identified sequence position indicators and said detected switching and said detected switching (Col. 16, lines 28-46; Col. 17, lines 45-58; Col. 23, lines 34-52; Col. 24, lines 36-57).

Claim 16, Emura further discloses said step of detecting said switching comprises detecting a message sent by said sending peer indicating an associated switching in data unit format (Col. 16, lines 25-28; and Col. 17, lines 30-58).

Claim 17, Emura further discloses wherein each data unit sent by said sending peer comprises a format type indicator, and said step of detecting said switching comprises monitoring said format type indicators (Fig.14, el.110, el.205, el.112, el.203, el.204; Col. 16, Lines 28-46 and Col. 17, lines 30-58).

Claim 18, Emura further discloses wherein said reconstructing is further based on a common reference point and said one or more second sequences to said data symbol stream (Fig.14, el.110, el.205, el.112, el.203, el.204, el.203; Col. 16, Lines 23-46).

Claim 19, Emura further discloses wherein said common reference point (starting point of a video program) is implicitly defined with respect to said sequence position indicators (Fig. 15 and 16 A-D; Col. 34-63).

Claim 20, Emura further discloses wherein said receiving peer receives a reference point synchronization message from said sending peer and sets said common reference point on the basis of said reference point synchronization message (Col. 16, lines 28-46; Col. 17, lines 45-58; Col. 23, lines 34-52; Col. 24, lines 36-57).

Claim 21, Emura further discloses wherein said step of reconstructing further comprises a step of identifying duplicate data symbols contained in data symbols of said first format and data symbols of said second format on the basis of said common reference point (Fig. 18A-D; Col. 19, lines 25-Col. 20, lines 11).

Claim 22, Emura further discloses wherein said step of reconstructing comprises a step of identifying duplicate data symbols contained in data symbols of said first format and data symbols of said second format on the basis of dedicated messages sent from said sending peer to said receiving peer that identify said duplicate data symbols (Fig. 18A-D; Col. 19, lines 25-Col. 20, lines 11).

Claim 27, Emura discloses a data unit sender (Fig. 14) comprising a sending peer of a data unit transmission protocol (Fig. 14, el. 104) and the data unit sender being arranged for dividing a data symbol stream (AV stream) into data units (packets) of at least a first format and a second format (reads on different speeds of the streams, i.e., normal playback stream; fast forward streams...), and sending said data symbol stream in the form of said data units of said first format or said second format (Col. 10, lines 35-Col. 11, lines 63) comprising:

a record keeping part arranged for maintaining a first record of said data symbol stream in terms of one or more first sequences of data units of said first format (reads on one of the AV streams of el. 1a, 101a of Fig. 10, 14, and 21 corresponds to respective receiving command, i.e., normal playback command, from the terminal apparatus, in this instant the AV streams would be the 1st format normal playback stream; see Col. 12, lines 14-27; Col. 16, lines 7-27; Col. 22, lines 29-67), and

for simultaneously maintaining a second record of said data symbol stream in terms of one or more second sequences of data units of said second format (reads on one of the AV streams of el. 1a, 101a of Fig. 10, 14, and 21 corresponds to respective receiving command, i.e., fast forward command, from the terminal apparatus, in this instant the AV streams would be the 2nd format of fast forward stream; see Col. 12, lines 14-27; Col. 16, lines 7-27; Col. 22, lines 29-67), where the 1st record and the 2nd record have a common reference point (playback start position of a Video program) to the data symbol stream.

Claim 28, Emura further discloses a switching part (Fig. 14, el. 201) for dynamically switching between a first transmission mode for sending data units of said first format and a second transmission mode for sending data units of said second format (reads on the video server apparatus receives a command from the terminal to switch between playback speed mode; Col. 16, lines 28-46 and Col. 23, lines 34-52) where each sent data unit of said first format comprises a sequence position indicator that indicates a position in one of said first sequences and each sent data unit of said second format comprises sequence position indicator that indicates a position in one of said second sequences ("sequence indicator" reads on data information transmitting from the control information transmitting section 203 of Fig. 14), and

A data unit output part (Fig. 14, el. 104) arranged such that
after switching from said first transmission mode to said second transmission mode (reads on switching from one playback speed to different playback speed; Col. 15, lines 23-43, the transmission continues with a given data unit of one of said second sequences comprising a position indicator such that said given data unit comprises a data symbol immediately following the a last data symbol of said data symbol stream that was sent in the data unit of said first format last sent before said switching (Col. 17, lines 19-45 and Col. 22, lines 36-67), and

after said switching part switches from said second transmission mode to said first transmission mode the transmission continues with a given data unit of one of said first sequences comprising a position indicator such that said given data unit

comprises a data symbol immediately following the last data symbol of said data symbol stream that was sent in the data unit of said second format last sent before said switching (reads on smooth switching between two different streams of different playback speed; Col. 11, lines 65-Col. 12, lines 6; Col. 13, lines 65-Col. 14, lines 6).

Claim 29 is analyzed with respect to claim 2.

Claim 30 is analyzed with respect to claim 3.

Claim 33 is analyzed with respect to claim 6.

Claim 34 is analyzed with respect to claim 7.

Claim 35 is analyzed with respect to claim 8.

Claim 36 is analyzed with respect to claim 9.

Claim 37 is analyzed with respect to claim 10.

Claim 39, Emura discloses a data receiver unit (Fig. 14, terminal apparatus) comprising a receiving peer (terminal apparatus) of a data unit transmission protocol, where said receiving peer receives a data symbol stream in the form of data units of a first format or a second format from a sending peer (reads on different speeds of the streams, i.e., normal playback stream; fast forward streams... and Col. 10, lines 35-Col. 11, lines 63), the data unit receiver comprising:

A sequence position identifier (Fig. 14, el. 204) for identifying a sequence position indicator in each received data unit, said sequence position indicator

indicating a position of said received data unit in a respective sequence to which said received data unit belongs, where said data units of said first format belong to one of one or more first sequences of data units of said first format, and said data units of said second format belong to one of one or more second sequences of data units of said second format (Col. 16, lines 28-46; Col. 17, lines 45-58; Col. 23, lines 34-52; Col. 24, lines 36-57);

A switching detector (Fig. 14, el. 205) for detecting a switching of said sending peer between a first transmission mode for sending data units of said first format and a second transmission mode for sending data units of said second format, and

A data symbol stream reconstruction part (Fig. 14, el. 112) for reconstructing said data symbol stream on the basis of said identified sequence position indicators and said detected switching and said detected switching (Col. 16, lines 28-46; Col. 17, lines 45-58; Col. 23, lines 34-52; Col. 24, lines 36-57).

Claim 42 is analyzed with respect to claim 16.

Claim 43 is analyzed with respect to claim 17.

Claim 44 is analyzed with respect to claim 18.

Claim 45 is analyzed with respect to claim 19.

Claim 46 is analyzed with respect to claim 20.

Claim 47 is analyzed with respect to claim 21.

Claim 48 is analyzed with respect to claim 22.

Claim 51 is analyzed with respect to claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4, 14, 31 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emura (US 6,848,117) in view of Seid et al (US 5,768,271).

Claim 4, Emura does not disclose wherein said sending peer is a link layer peer.

Seid discloses wherein said sending peer is a link layer peer (Col.7, Line 16 of Seid).

Therefore, it would have been obvious to one of skill in the art at the time of the invention was made, to modify Emura's network protocol with a standard network protocol of link layer, as taught by Seid. The motivation would be use of a standard protocol for obtaining a better level of service (Col. 2, lines 43-46).

Claim 14, Emura does not disclose wherein said sending peer is a link layer peer.

Seid discloses wherein said sending peer is a link layer peer (Col.7, Line 16 of Seid).

Therefore, it would have been obvious to one of skill in the art at the time of the invention was made, to modify Emura' s network protocol with a standard network protocol of link layer, as taught by Seid. The motivation would be use of a standard protocol for obtaining a better level of service (Col. 2, lines 43-46).

Claim 31, Emura does not disclose wherein said sending peer is a link layer peer (Col. 16, Lines 54-61 of Emura).

Seid discloses wherein said sending peer is a link layer peer (Col.7, Line 16 of Seid).

Therefore, it would have been obvious to one of skill in the art at the time of the invention was made, to modify Emura' s network protocol with a standard network protocol of link layer, as taught by Seid. The motivation would be use of a standard protocol for obtaining a better level of service (Col. 2, lines 43-46).

Claim 40 is analyzed with respect to claim 14.

3. Claims 5, 15, 32 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emura (US 6,848,117) in view of Haberman et al. (US 7490344).

Claim 5, Emura does not disclose wherein said data units of said first format are sent over one or more first transmission channels and said data units of said second format are sent over one or more second transmission channels.

Haberman discloses wherein said data units of said first format are sent over one or more first transmission channels and said data units of said second format are sent over one or more second transmission channels (Fig. 1 and 5; Col. 7, lines 50-61).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Emura's transmitting scheme with the teaching of Haberman by multiplexing two streams into one transport stream. The motivation would provide a seamless switching that facilitates multidirectional switching (Col. 4, lines 1-7).

Claim 15, Emura does not disclose wherein said data units of said first format are sent over one or more first transmission channels, said data units of said second format are sent over one or more second transmission channels and said step of detecting said switching comprises determining over which transmission channel said data units are received.

Haberman discloses wherein said data units of said first format are sent over one or more first transmission channels and said data units of said second format

are sent over one or more second transmission channels (Fig. 1 and 5; Col. 7, lines 50-61) and said step of detecting said switching comprises determining over which transmission channel said data units are received (Col. 7, lines 13-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Emura's transmitting scheme with the teaching of Haberman by multiplexing two streams into one transport stream. The motivation would provide a seamless switching that facilitates multidirectional switching (Col. 4, lines 1-7).

Claim 32 is analyzed with respect to claim 5.

Claim 41 is analyzed with respect to claim 15.

4. Claims 11, 23-25, 38, and 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable Emura (US 6,848,117) in view of Smith (US 7,180,895).

Claim 11, Emura discloses a procedure for determining one or more 2nd position indicators associated with one of the 2nd sequences on the basis of a given 1st sequence position indicator, where the one or more data units of the 2nd format associated with the one or more 2nd sequence position indicators cover all of the data symbols contained in the given data units of the 1st format associated with the 1st sequence position indicator (Col. 16, lines 28-46; Col. 17, lines 45-60).

Emura does not disclose wherein said receiving peer sends receiver status messages to said sending peer, said receiver status messages comprising

information on the receipt of one or more of said data units, said data units being identified in terms of sequence position indicators associated with one of said first sequences, said method further comprising:

a retransmission procedure for retransmitting data units on the basis of said receiver status messages, where said retransmission procedure retransmits said data units of said second format associated with said one or more second sequence position indicators.

Smith further discloses wherein said receiving peer sends receiver status messages (Col.4, Lines 40-42 of Smith) to said sending peer, said receiver status messages comprising information on the receipt of one or more of said data units, said data units being identified in terms of sequence position indicators (Fig. 1 el 26; Col.4 Lines 57-60) associated with one of said first sequences (Fig.1, el.16 Col.4, Lines27 37 of Smith), said method further comprising:

a retransmission procedure for retransmitting data units on the basis of said receiver status messages (Col.4, Lines 35-45 of Smith), and where said retransmission procedure retransmits said data units of said second format associated with said one or more second sequence position indicators (Col.4, Lines 20-45 of Smith).

Therefore, it would have been obvious to one of skill in the art at the time of the invention was made, to modify Emura 's transmission scheme of having tag data that include the control information send over channel, as taught by Smith. The

motivation would be sequencer tracks packet flows sending and buffering out of order packets to have missing packets resent (Abstract, Lines 3-6 of Smith).

Claim 23, Emura discloses a procedure for determining one or more sequence 2nd position indicators associated with one of the 2nd sequences on the basis of a 1st sequence position indicator associated with one of the 1st sequences, where the one or more data units of the 2nd format associated with the determined one or more 2nd sequence position indicators cover all of the data symbols contained in the data units of the 1st format associated with the 1st sequence position indicator (Col. 16, lines 28-46; Col. 17, lines 45-60).

Emura does not disclose wherein said receiving peer sends receiver status messages to said sending peer, said receiver status messages comprising information on the receipt of one or more of said data units, said method further comprising: for identifying in said receiver status messages the data unit of the 1st format in terms of the determined one or more 2nd sequence position indicators.

Smith discloses wherein said receiving peer sends receiver status messages to said sending peer, said receiver status messages comprising information on the receipt of one or more of said data units (Col.4, Lines 40-42 of Smith), said method further comprising: for identifying in said receiver status messages the data unit (Col.4, Lines 40-42 of Smith).

Therefore, it would have been obvious to one of skill in the art at the time of the invention was made, to modify Emura 's transmission scheme of having tag

data that include the control information send over channel, as taught by Smith. The motivation would be sequencer tracks packet flows sending and buffering out of order packets to have missing packets resent (Abstract, Lines 3-6 of Smith).

Claim 24, Emura in view of Smith further discloses comprising a procedure for determining one or more first sequence position indicators (Emura's stream readout position, Col.15, Line 30) associated with one of said first sequences on the basis of a second sequence position indicator (Emura's play back start position, Col.12, Lines 39-55) associated with one of said second sequences (Emura's access table 1b; Col.15, Lines 44-49), where the one or more data units of said first format (Emura's Fig. 5A , Fig. 5B el.71-76; Col. 14, Lines 31-36) associated with said determined one or more first sequence position indicators cover all of the data symbols contained in the data unit of said second format associated with said second sequence position indicator, for identifying in said receiver status messages said data unit of said second format (Emura's keyframe of the stream, Col. 6, Line 56) in terms of said determined one or more first sequence position indicators.

Claim 25, Emura discloses the method of claim 13, Emura further discloses comprising one or both of said first and second sequence position indicators (Back play start position, Col.7, Line 20-22) depending on one or more predetermined optimisation functions.

Emura does not disclose a procedure for generating receiver status messages comprising one or both of said first and second sequence position indicators depending on one or more predetermined optimization functions.

Smith further discloses comprising a procedure for generating receiver status messages (Col.4, Lines 35-45) depending on one or more predetermined optimization functions (Col. 2, Lines 35-48).

Therefore, it would have been obvious to one of skill in the art at the time of the invention was made, to modify Emura 's transmission scheme of having tag data that include the control information send over channel, as taught by Smith. The motivation would be sequencer tracks packet flows sending and buffering out of order packets to have missing packets resent (Abstract, Lines 3-6 of Smith).

Claim 38 is analyzed with respect to claim 11.

Claim 49 is analyzed with respect to claim 23.

Claim 50 is analyzed with respect to claim 24.

Claim 51 is analyzed with respect to claim 25.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MITRA SHAMOULIAN whose telephone number is (571)270-7912. The examiner can normally be reached on Monday to Thursday 7:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hai Tran can be reached on (571)272-7305. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M. S.
3/11/2009
Examiner, Art Unit 4192

/Hai Tran/
Supervisory Patent Examiner, Art Unit 4192